



## County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

February 7, 2012

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

To: Supervisor Zev Yaroslavsky, Chairman  
Supervisor Gloria Molina  
Supervisor Mark Ridley-Thomas  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

### **SACRAMENTO UPDATE**

This memorandum provides information regarding the pursuit of position on potential legislation related to employee relations commissions and the status of County interest legislation regarding the commitment of juvenile sex offenders.

#### **Pursuit of County Position on Potential Legislation**

The Chief Executive Office has learned that a legislative proposal may be introduced which would severely limit the role of management in the County of Los Angeles and City of Los Angeles employee relations commissions. The proposal is expected to specify that the employee relations commissions of the County and City operate independent of County and City management and proposes additional requirements that: 1) the Executive Director of the Commission, not County or City management, serve as the custodian of records of the Commission; 2) once a budget is allocated to the Commission, the Commission would have sole discretion on how to allocate its funds; and 3) the Commission, and not County or City management, would have control over all employment issues related to its staff and contracted hearing officers.

Existing law charges the Public Employment Relations Board (PERB) with administering collective bargaining statutes covering employees of local public agencies, including cities, counties and special districts under the Meyers-Millias-Brown Act. Existing law also establishes the PERB as the State agency that has the power and duty to

*"To Enrich Lives Through Effective And Caring Service"*

**Please Conserve Paper – This Document and Copies are Two-Sided  
Intra-County Correspondence Sent Electronically Only**

investigate an unfair labor practice charge and to determine whether the charge is justified and, if so, the appropriate remedy.

The law further specifies that, notwithstanding the powers and duties of PERB, the Employee Relations Commissions of the County of Los Angeles (ERCOM) and the City of Los Angeles shall have the power and responsibility to take actions on recognition of employee organizations, unit determinations, and orders as the employee relations commissions deem necessary, consistent with and pursuant to pertinent statutes.

This legislative proposal would remove County and City management from any role in the administration of their respective employee relations commissions. The proposal specifies that ERCOM would have sole control over budget, employment, and records.

This proposal conflicts with a number of County ordinances, and could create situations where it would be unclear which authority would prevail. For example, County Code Section 5.04.190 states that the County "shall provide appropriate office facilities, reference periodicals and books, equipment and supplies for the commission and such staff as it may appoint." Under the proposed legislation, the County would be liable for providing ERCOM's operating budget, but would have no control over how ERCOM spent the funds. The County could also be obliged to appropriate whatever ERCOM requested as its budget, even though the request could be potentially excessive and/or at odds with the County's overall budget position.

With regard to employment, Civil Service Rules provide for competitive examinations for employment and provide appeal rights for employees who are harmed by management decisions. If ERCOM is granted sole responsibility for employment of its staff, it is possible that employees could be hired outside of existing procedures specified in Civil Service Rules. In addition, any ERCOM personnel appointments would probably be considered County employees, even though County management had no role in selecting them and could not discipline or remove them for cause.

This office recommends opposing the proposed legislation because it would remove County management's rights over the Commission's records, budget and all employment issues related to its staff and contracted hearing officers while maintaining its responsibilities. **Therefore, consistent with existing policy to oppose any abridgement or elimination of the Board of Supervisors' powers and duties unless the change promotes a higher priority of the Board, the Sacramento advocates will oppose this proposal or any other similar legislation.**

### **Legislation of County Interest**

**AB 324 (Buchanan)**, which as amended on January 31, 2012, would expand the population of individuals who may be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities (DJF) to include youth who have been found to have committed a specified sex offense. Additionally, the bill would allow counties to enter into contracts with the Chief of DJF to house wards, in the custody of the DJF on December 12, 2011, whose commitment was recalled under specific circumstances.

On December 12, 2011, the California Supreme Court ruled that a juvenile offender adjudicated for a sex offense described in Penal Code (PC) section 290.008(c) may not be committed to DJF, unless the offender has also been adjudicated for a current or prior offense described in Welfare and Institutions Code (WIC) section 707(b). The Court ruling found that regardless of legislative intent set forth in SB 81 and AB 191 of 2007 to include serious sex offenders in the narrowed population of youth still eligible for DJF commitment, the plain language reading of the related code sections only allows juvenile offenders with a WIC 707(b) offense to be committed to DJF.

The Court ruling means that juveniles convicted of a serious sex offense described in PC 290.008(c) must remain in county facilities, unless they have a current or previous WIC 707(b) adjudication. Furthermore, the ruling allows youthful offenders serving a current commitment in DJF for a PC 290.008(c) sex offense, who have never been adjudicated for a WIC 707(b) offense, to have their sentence recalled and to be returned to the committing county to serve the remainder of their sentence in a local facility.

Based on a preliminary analysis, the Probation Department indicates that there are currently up to ten juvenile sex offenders from Los Angeles County housed at DJF on a PC 290.008(c) offense who could petition to have their sentence recalled and be returned to the County. In addition, there is approximately three to four juvenile sex offenders adjudicated annually in Los Angeles County under these criteria that would remain in local custody as a result of the Court's ruling.

Offenses described under PC 290.008(c) are serious sex offenses and juvenile offenders found to have committed these crimes require specialized housing and an intensive level of supervision and treatment. The Probation Department indicates that there are limited housing options in the County's camp system for these juvenile sex offenders, and it would be extremely difficult to integrate these youth into the existing offender population housed at County facilities. This effort would require a significant investment of County resources to address the intensive treatment and supervision

Each Supervisor  
February 07, 2012  
Page 4

needs of this type of offender. Furthermore, the DJF currently offers an intensive sex offender management treatment program that is not available at the County level.

The Chief Probation Officers of California and the California District Attorneys Association are co-sponsors of AB 324. The bill is scheduled to be heard in the Senate Public Safety Committee on February 9, 2012.

**This office and the Probation Department continue to analyze AB 324 to determine County fiscal and programmatic impact and make a recommendation of County position.**

We will continue to keep you advised.

WTF:RA  
MR:KA:DS:sb

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants